

Spears	Vick
Stone	Weinert
Sulak	Winfield
Van Zandt	

Absent—Excused

Ramsey	York
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### Adjournment

On motion of Senator Stone, the Senate, at 11:10 o'clock a. m., adjourned until 10:00 o'clock a. m. tomorrow.

## SEVENTH DAY

(Thursday, January 23, 1941)

The Senate met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by President Stevenson.

The roll was called, and the following Senators were present:

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalf
Chadick	Moffett
Cotten	Moore
Fain	Ramsey
Formby	Shivers
Graves	Smith
Hazlewood	Spears
Hill	Stone
Isbell	Sulak
Kelley	Van Zandt
Lanning	Vick
Lemens	Weinert
Lovelady	Winfield

Absent—Excused

York

A quorum was announced present.

The invocation was offered by the Chaplain.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

### Leave of Absence Granted

Senator York was granted leave of absence for today on account of important official business, on motion of Senator Brownlee.

### Senate Bills on First Reading

The following bills were introduced, read severally first time and referred by the President to the committees indicated:

By Senator Lovelady:

S. B. No. 49, A bill to be entitled "An Act providing for the payment of the salary of district court reporters out of the General Fund of the State of Texas; repealing all laws in conflict herewith; and declaring an emergency."

To Committee on Civil Jurisprudence.

By Senators Martin, Kelley, Shivers, Mauritz, Moore, Hazlewood, Stone and Moffett:

S. B. No. 50, A bill to be entitled "An Act providing for the granting and issuance of easements or surface leases to the United States of America by the School Land Board on any island, salt water lake, bay, inlet, or marsh within tidewater limits, and that portion of the Gulf of Mexico within the jurisdiction of the State of Texas, for any purpose essential for the National Defense; retaining for the State of Texas all oil and gas and other mineral rights in and under such areas; providing that the consideration to be paid the State therefor shall be agreed upon by the School Land Board and the United States of America; subordinating all existing grass leases to such easements or surface leases; providing for the suspension of the primary and principal terms and rental obligations of existing oil and gas leases affected hereby for the duration of such easements or surface leases upon the filing of the subordination agreements by holders of such oil and gas leases; providing for notice to such oil and gas lessees of the termination of such easements or surface leases; excluding from the terms hereof all areas where oil, gas or other mineral production exists; and declaring an emergency."

To Committee on Public Lands and Land Office.

By Senator Kelley:

S. B. No. 51, A bill to be entitled "An Act requiring all Railroad Companies to equip cabooses with electric lights; providing a penalty; providing that if any section, sentence or clause shall be declared invalid, other sec-

tions or parts of the Act be not affected."

To Committee on Criminal Jurisprudence.

By Senator Metcalfe:

S. B. No. 52, A bill to be entitled "An Act making an appropriation out of any moneys in the State Treasury not otherwise appropriated for the Agricultural and Mechanical College of Texas for operating expenses of the Wool Scouring Plant at said college; and declaring an emergency."

To Committee on Finance.

By Senator Brownlee:

S. B. No. 53, A bill to be entitled "An Act creating the County Court at Law of Travis County, Texas; defining the jurisdiction of said Court; regulating practice therein; prescribing the terms of said Court; providing for Clerk and Seal for said Court and prescribing the duties of the Sheriff and County Attorney in relation to said Court; limiting the jurisdiction of the County Court of Travis County; and providing for the transfer of cases pending in the County Court of Travis County to the said Court hereby created, and for appeals from inferior courts to the court hereby created, and for appeal from said Court; creating the office of Judge of the County Court at Law of Travis County; providing for the appointment, election, removal, bond and salary of the Judge of said Court and prescribing his qualifications; providing for a special Judge; providing for the disposition of fees; providing for a Court Reporter and transfer of juries; and declaring an emergency."

To Committee on Judicial Districts.

By Senator Stone:

S. B. No. 54, A bill to be entitled "An Act amending Article 5155 of the Revised Civil Statutes of Texas 1925; by adding thereto a provision that employees on each day paid be furnished a statement of all deductions from wages; and declaring an emergency."

To Committee on Labor.

By Senator Shivers:

S. B. No. 55, A bill to be entitled "An Act amending Articles 5357 and 5362 of the Revised Civil Statutes of Texas of 1925; providing for the acceptance of applications and bids for the leases upon certain public lands

and for the term of said leases, and providing for the revision and modification of leases heretofore issued and for the assignment of such leases in whole or in part, and repealing all laws or parts of laws in conflict herewith; and declaring an emergency."

To Committee on Public Lands and Land Office.

By Senator Spears (by request):

S. B. No. 56, A bill to be entitled "An Act amending Section 7 of Article 7150 of the Revised Civil Statutes of 1925 revision; providing that all property owned and used exclusively by institutions of purely public charity, not leased or otherwise used with a view to profit shall be exempt from taxation; and providing further that in cases where any income and/or profit is derived from any such property or use of same, then such property shall be exempt from taxation only to the extent of the pro rata part equal to the ratio that the reasonable cost of free charity dispensed by way of services or otherwise bears to the gross income received by such institution of purely public charity from its income and/or profits plus cost of free charity, providing that all institutions of purely public charity shall render an inventory of all property owned by it as other property is required to be rendered together with a verified financial statement covering period of the previous tax fiscal year showing income and expenditures and reasonable cost of all free charity and number of persons receiving free charity; providing the method to be used by the assessor in ascertaining the pro rata part or percentage of such property value exempt and providing that the remaining portion of the value of all such property shall be taxable and assessed as other property; and providing that all of the other provisions of said Article 7150 shall remain as now written."

To Committee on State Affairs.

By Senator Spears (by request):

S. B. No. 57, A bill to be entitled "An Act amending Article 7328.1 of the Revised Civil Statutes of Texas 1925 revision being Senate Bill No. 206, Acts of the Forty-sixth Legislature 1939; by adding thereto Section 5a; providing for and making admissible in evidence in suits for de-

linquent taxes, statement of taxes sued for, showing description of property assessed, value of property, fiscal years assessed, to whom assessed, rate of tax, amount of tax, amount of penalty and interest, all for each fiscal year separately, total amount of taxes owing and delinquent and unpaid, providing said statement shall be certified by tax collector or his authorized deputy to be correct as shown by the assessment records and tax rolls of such taxing unit; providing that such certified statement must be filed in said cause three days before the day of trial; providing that such statement shall be admissible in evidence and constitute prima facie proof of all of the matters and facts therein contained subject however to any controverting competent evidence the defendant may offer."

To Committee on State Affairs.

By Senator Spears (by request):

S. B. No. 58, A bill to be entitled "An Act to amend Sub-division 18-a, Sections 1 and 2 of Chapter 6 of Article 2092 of the Revised Civil Statutes of Texas, pertaining to certain District Court rules, practice and procedure thereunder, in counties of 325,000 inhabitants and over, whereby the District Judge may appoint an Assignment Clerk to serve under the Presiding Judge in setting and disposing of civil cases on the general docket; permitting the District Judges, to fix the duties and salary of such assignment clerk, and providing a method of payment from the General Fund of the County, term of office and dismissal thereof; and declaring an emergency."

To Committee on Civil Jurisprudence.

By Senator Spears (by request):

S. B. No. 59, A bill to be entitled "An Act amending Section 19, Sub-section h of Senate Bill No. 5, Acts of the Forty-fourth Legislature, Second Called Session, also known as Sub-section h of Section 19 of Article 3912e, and all amendments to such Act by adding thereto Sub-section h-2 affecting the appointment and salaries of deputies in the offices of district clerks in all counties of 290,000 inhabitants and over, and less than 390,000 inhabitants, according to the last preceding Federal Census; providing for the method of such appointments and salaries in such counties

by the filing of an application with the district judge of such counties, to be accompanied by the statement of such district clerks; providing for the order and approval by the district judges in such counties of the appointment of such deputies and the salaries to be paid such deputies; providing for the order of the Commissioners' Courts of such counties for the payment of said salaries of such deputies out of certain funds of such counties; providing for the oath to be taken by such deputies; providing for the method of discharge or removal of such deputies, and for the increase or decrease of the number of such deputies; providing for the repeal of all laws in conflict herewith; providing for a saving clause and declaring an emergency."

To Committee on Judicial Districts.

By Senator Spears (by request):

S. B. No. 60, A bill to be entitled "An Act providing for the re-classification and re-appraisement by the Commissioner of the General Land Office of the State of Texas of 480 acres of land in Coke County, Texas, described as the N  $\frac{1}{2}$  and the S.E.  $\frac{1}{4}$  of Survey No. 340, Block 1-A, Cert. 38/4340, H. & T. C. Ry. Co., heretofore sold under contract to Rev. Father Joseph Manz, and for notice to said purchaser of such re-valuation; giving said purchaser the right within 90 days after such notice to forfeit said land and to re-purchase the same at the new valuation, and providing that said purchaser be given credit on the new contract of purchase for all sums heretofore paid by him upon the principal of his old contract, and giving him the right to a patent to said land upon the completion of the payment of the said new valuation; and providing that in no event should any money be refunded to him that he has heretofore paid on said land."

To Committee on Public Lands and Land Office.

By Senator Brownlee:

S. B. No. 61, A bill to be entitled "An Act to amend Article 5139 of the Revised Civil Statutes of Texas of 1925; providing for the constituting the District Judges, Judges of the Criminal District Courts, and County Judges of certain counties Juvenile Boards for such counties; providing salaries for said Judges of certain counties as members of said Juvenile

Boards, and the manner of payment of same; repealing all laws in conflict herewith; and declaring an emergency."

To Committee on Civil Jurisprudence.

By Senator Mauritz:

S. B. No. 62, A bill to be entitled "An Act amending Subdivision 24 of Article 199, Title 8, Revised Civil Statutes of Texas, and providing for changing and prescribing terms and times of holding Court in the 24th Judicial District of Texas; providing that terms in the several counties may be concurrent, validating and continuing all process, writs, bonds and recognizances and making them returnable to the terms of court in the several counties in said district as herein fixed, to validate the summoning of grand and petit jurors under the present law so as to render them available under the present Act; enacting proper provisions relative to any term of court that may be in session when this Act takes effect; and declaring an emergency."

To the Committee on Judicial Districts.

#### Message from the House

The Reading Clerk of the House was recognized to present the following message:

Hall of the House of Representatives,  
Austin, Texas,  
January 23, 1941.

Hon. Coke R. Stevenson, President of the Senate:

Sir: I am directed by the House to inform the Senate that the House has adopted the following resolutions:

H. C. R. No. 15, Recalling H. C. R. No. 11 to the House for further consideration.

H. C. R. No. 16, Expressing appreciation to Dr. David Graham Hall of Dallas.

H. C. R. No. 17, Congratulating Hon. Sam Rayburn.

H. C. R. No. 18, Granting permission to the House of Representatives and the Senate to adjourn from Thursday, January 23rd to Monday, January 27th.

H. C. R. No. 19, Inviting Major General Paul B. Malone to address a joint session of the House and Senate.

Respectfully submitted,

E. R. LINDLEY,  
Chief Clerk, House of Representatives.

#### House Concurrent Resolution 16

The President laid before the Senate the following resolution, received from the House today:

Whereas, An endowment of more than one hundred pieces of income-bearing real estate approximating the value of one-half million dollars recently has been established for the promotion of the general health and welfare of all residents of Texas, particularly those in the middle and low-wage brackets, the generous gift of Dr. David Graham Hall of Dallas, Texas; and

Whereas, Dr. Hall, born in a little New Hampshire town in the year 1858, acquiring his medical education at Harvard University largely under the direction of the famed Dr. Oliver Wendell Holmes, chose early to become a Texan and has made his home in the Lone Star State for more than fifty years; and

Whereas, Dr. Hall pioneered many important medical discoveries in the early days, typhoid serum injections, et cetera; and

Whereas, More than forty years ago, undoubtedly through the inspiration of his beloved mother, Dr. Holmes, and other illustrious teachers, he began working toward the day when he could provide some worthy and substantial benefaction for his fellow men; and

Whereas, His determination and genuine sacrifices through succeeding years finally made this great contribution possible; and

Whereas, He has designated the eradication and control of venereal diseases as the first objective of his benevolence, a problem and undertaking deserving the serious cooperation of all of our citizens; and

Whereas, In order that his aid, supported by gifts of other citizens and groups, would be effectively and faithfully administered, Dr. Hall has named the following prominent and valued citizens of Texas as Trustees and Administrators: Homer R. Mitchell, Karl Hoblitzelle, B. F. McLain, Carr P. Collins, Marrs McLean, and R. F. Voyer; now, therefore, be it

Resolved by the House of Representatives of the Forty-seventh Legislature of the State of Texas, the Senate concurring, That a vote of commendation, thanks, and appreciation by this Legislature on behalf of the State, is hereby accorded Dr.

David Graham Hall for his generous and humanitarian gift; and a copy of this resolution, signed by the Speaker of the House, the Lieutenant Governor, attested to by the Chief Clerk of the House and the Secretary of the Senate, be transmitted to Dr. Hall.

The resolution was read, and by unanimous consent, it was considered immediately and was adopted.

#### Resolutions Signed

The President signed in the presence of the Senate, after their captions had been read, the following resolutions:

H. C. R. No. 12, Inviting Hon. T. V. Smith of Illinois to address a joint session of the Legislature on Monday, January 27, at 11:00 o'clock a. m.

H. C. R. No. 13, In memory of Hon. Walter C. Woodward, of Coleman, Texas.

H. C. R. No. 16, Thanking Dr. David Graham Hall.

#### Senate Resolution 16

Senator Cotten offered the following resolution:

Whereas, On January 15 and 16, Honorable W. Lee O'Daniel, Governor of the State of Texas, delivered his message to a joint session of the Legislature; and

Whereas, In said message, he pointed out alleged misconduct on the part of Boards, Bureaus and Commissions, created by Legislative enactment and now functioning in the State of Texas; and

Whereas, In said report, Honorable W. Lee O'Daniel, Governor of Texas, stated that said condition was set forth in the report of Honorable Tom King, State Auditor of the State of Texas, for the year or during the latter part of the year 1940; and

Whereas, Said message and the report of said Auditor deals in generalities, leaving the Legislature without specific acts of misconduct and abuses of power; and

Whereas, The Senate of the State of Texas, desiring to have the specific information wherein it is charged by the said Auditor, that said officials constitute the fourth branch of the government and exercise the power of Executive, Judicial and Legislative, and that without being required to account to either of the constitu-

tional branches of the Government of Texas; and

Whereas, Said alleged charges constitute, if true, official misconduct on the part of said Boards, Bureaus, Commissions and the officials who are in charge thereof; and

Whereas, The Senate sincerely desires to correct such evils and abuses, if they do exist, and that they may be advised and informed specifically and definitely as to where and when said abuses and misconduct have occurred and are occurring, and specifically, the officials and individuals, if any, who are guilty of said misconduct, and that in order to correct said condition, as alleged by said State Auditor, it will be helpful to have specific information as aforesaid; now, therefore be it

Resolved by the Senate of Texas, That it be assembled, as a Committee of the whole, on a specific date and hour to be Wednesday, February 5, 1941, 11 a. m., and extend an invitation to the Honorable Tom King, Auditor of the State of Texas, to appear in person and with the necessary records to verify the allegation in said report.

Be It Further Resolved, That the statements and evidence given by the said Honorable Tom King, State Auditor, be properly and correctly transcribed and made a part of the record of the Senate of the State of Texas.

The resolution was read and was adopted.

#### Senate Resolution 17

Senator Hill offered the following resolution:

Be It Resolved by the Senate of Texas, That a committee of three Senators be appointed to arrange for having photographs made of the Governor, Lieutenant Governor and Senators and Secretary of the Senate of the Forty-seventh Legislature and hung in the Senate Chamber.

Be It Further Resolved, That the cost of same be paid, if necessary, out of the contingent expense fund of the Forty-seventh Legislature.

The resolution was read and was adopted.

#### Senate Concurrent Resolution 4

Senator Lovelady offered the following resolution:

Whereas, The proper national defense agencies have designated ap-

proximately 6300 miles of the Texas State Highway System as being highways of prime importance in the military emergency now facing this nation; and

Whereas, A survey of this strategic military mileage has been made by The Public Roads Administration co-operating with the Texas Highway Department through the State-Federal Highway Planning Survey, said survey disclosing that all but a small portion of this mileage is inadequate for the movement of the large numbers of men and the vast quantities of munitions and supplies necessary for the effective operation of the armed forces of the national government; and

Whereas, It is estimated that to bring the strategic military network in Texas to the minimum standards desired by the War Plans Division of the United States Army will cost approximately \$80,000,000; and

Whereas, Requests also have been made of The Texas Highway Department to cooperate with the proper defense agencies in facilitating the work necessary to connect Texas' numerous military establishments with the highways on the strategic military network through the planning of 'military access roads,' said roads being for the exclusive use of the armed forces of the national government, said construction to cost an additional estimated \$5,000,000; and

Whereas, The Texas Highway Commission has reported that it has available for application to the strategic network only \$15,888,791, these funds including \$8,492,824 in federal money and \$7,395,967 in state funds collected from road use taxes on motor vehicle users of the State of Texas; and

Whereas, The Federal Government now is collecting in Texas, through federal gasoline taxes, lubricating oil taxes and other excise taxes on the operation of motor vehicles, approximately \$20,000,000 annually and last year returned to Texas as federal highway aid in the construction of main traffic arteries only \$9,728,530; and

Whereas, The Texas Highway Commission has recognized the serious problem facing Texas with respect to its arterial highway system and has tendered the engineering facilities of The Texas Highway Department to the national defense agencies in bringing the highways of the State to a

standard that would support a concentrated military movement, and the engineers of The Texas Highway Department now are engaged in the preparation of plans and specifications on important military access roads; and

Whereas, The Texas Highway Commission has called attention to the fact that the Federal Government is considering the utilization of both federal aid and state highway funds in the construction of Texas highways considered to be of strategic military importance and, in addition is considering the use of regular federal aid and state funds in the construction of access roads to training areas which are of purely military value and which would be of little or no value to normal civilian peace time traffic in Texas; and

Whereas, The Texas Highway Commission is faced with a serious shortage of funds to meet the normal demands of highway construction in all parts of the State, it being estimated that, in addition to the cost of completing the 6300 miles on the strategic military network in Texas it would require the expenditure of approximately \$498,000,000 to bring other portions of the state highway system to modern minimum standards; and

Whereas, In addition the Texas Highway Commission is faced with additional heavy maintenance costs as a result of damage being inflicted on the State's highways through operation of tanks, guns and other heavy military equipment and supplies; and

Whereas, The Highway Commission has advised the proper defense agencies that it will give priority of preference in formulating its federal aid construction program to roads on the strategic military network and has directed the attention of the Congress to the need for additional appropriations for the construction and maintenance of roads the primary purpose of which is to provide access to and from military training areas and the Commission further has assured the highway users of Texas of its desire to use the limited funds not needed to match federal aid on the strategic military network for badly needed and pressing work on those portions of the highway system not on the strategic military network; now, therefore be it

Resolved by the Senate of the Texas Legislature, the House of Represen-

tatives concurring, That the action of the Texas Highway Commission in tendering its engineering facilities to the National Government and in preparing the plans and specifications for military access roads be approved.

Be It Further Resolved, That the action of the Highway Commission in its statement of policy with reference to the use of State funds to match federal aid on the strategic military network be approved, the Legislature of Texas recognizing the dire emergency facing the Nation; and

Be It Further Resolved, That the Congress of the United States be respectfully requested to give careful and deliberate consideration to the need for emergency appropriations to speed the construction of roads on the strategic military network, said funds to be appropriated from the excess in the amount of taxes collected by the Federal Government from road users over and above the amount of federal highway aid now being returned to the states; and

Be It Further Resolved, That the Congress be respectfully requested to make such appropriations as may be necessary from emergency national defense funds for the construction of roads designed for the exclusive use of the military forces; and

Be It Further Resolved, That copies of this resolution be sent to the President of the United States and to the members of the Texas Congressional delegation.

LOVELADY,  
LANNING,  
MAURITZ,  
LEMENS,

The resolution was read and was referred to the Committee on Highways and Motor Traffic.

Senator Brownlee moved that Section 5 of Article 3 of the Constitution be suspended, to allow consideration of S. C. R. No. 4 in committee.

The motion prevailed by the following vote:

Yeas—30

Aikin	Hazlewood
Beck	Hill
Brownlee	Isbell
Chadick	Kelley
Cotten	Lanning
Fain	Lemens
Formby	Lovelady
Graves	Martin

Mauritz	Spears
Metcalf	Stone
Moffett	Sulak
Moore	Van Zandt
Ramsey	Vick
Shivers	Weinert
Smith	Winfield

Absent—Excused

York

#### House Concurrent Resolution 18

The President laid before the Senate for consideration at this time the following privileged resolution:

H. C. R. No. 18, Authorizing adjournment of the House and/or Senate from Thursday, January 23, 1941, to Monday, January 27, 1941.

The resolution was read and was adopted.

#### Senate Resolution 18

Senator Spears, by unanimous consent, offered at this time the following resolution:

Whereas, There is present at the Bar of the Senate of the State of Texas at this time a large delegation of students from the following named schools in San Antonio, Texas; St. Marys High, 160; Central Catholic, 70; St. Theresa, 48; Blessed Sacrament, 32; Incarnate Word, 63; Lady of the Lake, 88; St. Henry, 71; San Fernando, 36; St. Gerards, 36; Ursuline Academy, 62; St. Joseph, 34; St. Anthony, 21; St. Michaels, 23; making a total of 744, which school delegation is ably headed by Mrs. Richard L. Brandt who is present with said school delegations; now, therefore, be it

Resolved, That Mrs. Richard L. Brandt be extended the privilege of the floor of the Senate of Texas at this time.

The resolution was read and was adopted unanimously.

#### Consideration of Senate Bill 19 in Committee

Senator Hill moved that Section 5 of Article 3 of the Constitution be suspended to allow consideration of S. B. No. 19 in committee.

The motion prevailed by the following vote:

Yeas—30

Aikin	Brownlee
Beck	Chadick



Cotten	Metcalf
Fain	Moffett
Formby	Moore
Graves	Ramsey
Hazlewood	Shivers
Hill	Smith
Isbell	Spears
Kelley	Stone
Lanning	Sulak
Lemens	Van Zandt
Lovelady	Vick
Martin	Weinert
Mauritz	Winfield

Absent—Excused

York

#### House Concurrent Resolution 15

The President laid before the Senate the following resolution received from the House today:

H. C. R. No. 15, Recalling H. C. R. No. 11 to the House for further consideration.

The resolution was read.

In compliance with the request contained in the resolution, Senator Aikin moved that the vote by which H. C. R. No. 11 had been adopted by the Senate be reconsidered and that H. C. R. No. 15, requesting its return to the House, be adopted.

The motion prevailed.

#### House Concurrent Resolution 17

(Commending Hon. Sam Rayburn)

The President laid before the Senate the following resolution, received from the House today:

Whereas, It is common knowledge that Honorable Sam Rayburn, of the Fourth Congressional District of Texas, who has been elevated to the exalted position of Speaker of the National House of Representatives, is a great Texan and a great American Statesman experienced in the affairs of government in so many ways that are surpassed by none; and

Whereas, He was born on a farm in Fannin County and confronted with so many obstacles, disadvantages, lack of opportunities, as are usually experienced by the average rural boy, and, in spite of these obstacles, educated and prepared himself for the great problems of life; having re-

ceived his B. A. Degree from East Texas State Teachers College at Commerce and studied law in the University of Texas, and showed his statesmanlike ability early in life by placing himself in the political world; and

Whereas, He was given the honor by the citizenship of Fannin County to serve his District and his State for three successive terms in the years 1907 to 1912 inclusive, in the Texas Legislature, a position which he filled so admirably that his fellow representatives gave to him the honor of serving as Speaker of the House of Representatives of the Thirty-second Legislature of Texas; and

Whereas, In the year of 1912 Sam Rayburn was honored by being elected Congressman of the Fourth Congressional District and has retained that honorable position for twenty-eight (28) years, serving well, efficiently, and constantly rising to statesmanlike heights, becoming Democratic Majority Leader, bringing great credit and honor to our beloved State of Texas; and

Whereas, Only recently he has been re-elected Speaker of the National House of Representatives, bringing even greater honor and credit, and with growing prospects of being advanced still further in the governmental activities; and

Whereas, It is fitting and proper to proudly acclaim our great Texans; therefore, be it

Resolved by the House of Representatives, the Senate concurring, That praise and compliments be extended to the Honorable Sam Rayburn, and that good wishes be extended to him for a continuance of his endeavors to carry on and that we, individually and as a governmental body, hereby pledge to him our cooperation for better government throughout the coming years, and that the Chief Clerk forward a copy of this resolution to the Honorable Sam Rayburn and also forward a copy to each member of the Texas Delegation serving in the National House of Representatives, Washington, D. C.

The resolution was read.

On motion of Senator Van Zandt and by unanimous consent, the resolution was considered immediately and adopted.



**Report of Standing Committee**

Senator Hill, by unanimous consent, submitted the following report:

Austin, Texas,  
January 23, 1941.

Hon. Coke Stevenson, Lieutenant Governor:

Sir: We, your Committee on Towns and City Corporations to whom was referred

S. B. No. 19, A bill to be entitled "An Act to amend H. B. No. 30, Chapter 4, Acts of 1933, First Called Session, Forty-third Legislature, as amended by H. B. No. 122, Chapter 387, Acts of 1935, First Called Session, Forty-fourth Legislature, as amended by H. B. No. 54, Chapter 510, Acts of 1936, Forty-fourth Legislature, Third Called Session, and repealing all laws and parts of laws in conflict herewith; providing a saving clause; and declaring an emergency and providing the Act shall take effect from and after its passage."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

Respectfully,  
HILL, Chairman.

**Messages from the Governor**

Mrs. Margaret McDuffie, Assistant Secretary to the Governor was announced by the Doorkeeper and was recognized by the President to present the following messages:

Austin, Texas,  
January 23, 1941.

To the Members of the Forty-seventh Legislature:

I recommend to you an emergency measure for your consideration.

This bill is necessary for the proper cooperation between the State of Texas and the United States of America in the interest of the great effort now being put forth for National Defense. It will enable the School Land Board, which now handles the disposal of most of our public lands, to issue easements or surface leases to the United States of America on State-owned areas along our Gulf Coast for any purpose essential to the national defense.

Such a measure will allow the United States of America to acquire the use of such areas without having

to acquire the entire fee simple title. It provides a method whereby the State can wholeheartedly cooperate with the Federal Government and still retain title to its lands and minerals. I might point out that unless such a bill is passed it will probably be necessary for the Federal Government to condemn such areas, thereby divesting the State of all its interest therein, both surface and mineral.

As all of you know, "speed" is the watchword of this national campaign of military preparation, and the armed forces of the United States of America are ready to occupy some of our coastal lands immediately. For this reason and for the reason that this bill will serve the best interests of the State in protecting its title to such areas, I am urging the immediate passage of this legislation.

Respectfully submitted,  
W. LEE O'DANIEL,  
Governor of Texas.

Austin, Texas,  
January 23, 1941.

To the Senate of the Forty-seventh Legislature:

I ask the advice, consent and confirmation of the Senate to the following appointment:

To be Chairman of the State Commission for the Blind, six year term to expire January 1, 1947:

Bruner Penniman of Dallas, Dallas County.

Respectfully submitted,  
W. LEE O'DANIEL,  
Governor of Texas.

The messages were read and the message submitting a nomination was referred to the Committee on Nominations of the Governor.

**Nomination of Executive Director of Department of Public Welfare**

The President laid before the Senate, and had read, the following communication:

To the Senate of the State of Texas, Forty-seventh Legislature:

Now comes the Texas State Board of Public Welfare, and in compliance with the provisions of Senate Bill No. 36, Section 3a, Forty-sixth Legislature, being Article 695-c, Revised Civil Statutes of Texas 1925, respectfully requests the Senate for advice, consent and confirmation of John S.

Murchison of Navarro County, Texas, as Executive Director of the State Department of Public Welfare.

The said Board having full confidence in the qualifications, ability and integrity of the said John S. Murchison, did on the 4th day of September, A. D. 1940, select and appoint him as Executive Director of the State Department of Public Welfare, a position he now holds.

A true and correct copy of the Minutes of the Board showing the selection and appointment is attached hereto.

The early, favorable consideration and confirmation of this appointment will be gratefully appreciated.

Respectfully submitted,  
MARVIN LEONARD, Chairman,  
State Board of Public Welfare.

Given under my hand and seal of the State Board of Public Welfare at Austin, Texas, this the 21st day of January, A. D. 1941.

MARVIN LEONARD, Chairman,  
State Board of Public Welfare.

#### Resolution of Board of Public Welfare

Resolved, That J. S. Murchison be and is hereby selected and appointed as Executive Director of the State Department of Public Welfare, to serve in such position at the pleasure of the State Board, subject, however, to confirmation by the Senate as provided in the Act creating the State Department of Public Welfare. Said J. S. Murchison, before entering upon his duties as such Executive Director, shall give bond in the sum of Thirty

Thousand and no/100 (\$30,000.00) Dollars, in the form prescribed by the Attorney General, payable to the State Board of Public Welfare and/or the Governor of the State of Texas, and conditioned for the faithful performance of his duties as such Executive Director. This the Fourth day of September, 1940.

I hereby certify that this is a true and correct copy of the minutes of the State Board of Public Welfare on September 4, 1940.

MAZIE B. MAYES,  
Recording Secretary,  
State Board of Public Welfare.

Senator Hill moved that the message from the Texas State Board of Public Welfare and the nomination submitted therein be referred to the Committee of the Whole Senate.

Senator Van Zandt moved that the message and nomination be referred to the Committee on Nominations of the Governor.

Senator Hill withdrew the motion to refer the message and nomination to the Committee of the Whole Senate.

The President stated if there was no objection the message and nomination would be referred to the Committee on Nominations of the Governor.

There was no objection offered, and it was so ordered.

#### Adjournment

On motion of Senator Moore, the Senate, at 11:50 o'clock, a. m., adjourned until 10:00 o'clock a. m. next Monday, January 27, 1941.

## In Memory of

# Hon. Charles Mape Cureton

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Senator Lovelady offered the following resolution:

(Senate Concurrent Resolution 3)

Whereas, On the 8th day of April, A. D. 1940, the Great Architect of the Universe called to rest from his earthly labors, the Hon. Charles Mape Cureton, of Meridian, Texas; and

Whereas, The said Charles Mape Cureton, lived a long, useful and active life; and

Whereas, The said Charles Mape Cureton, served the 98th Flatorial District as a Representative and the State of Texas as Attorney General, with credit to himself and honor to his State; and

Whereas, The said Charles Mape Cureton, always took an active and interested part in all Legislative affairs looking to the betterment of his State and Country; and

Whereas, The said Charles Mape Cureton, served the State of Texas as a member of the Supreme Court of Texas for almost 19 years and for all of that time was the Chief Justice of said Supreme Court and his term of service in this capacity was looked upon by all who knew him as a term of service to his State filled with credit to himself and honor to his family; and

Whereas, The said Charles Mape Cureton, served longer on the Supreme Court of Texas than any other man that has been a member of the Court; and

Whereas, The said Charles Mape Cureton, was a man possessed of a lovable and admirable personality, and was possessed of splendid traits of character; and

Whereas, In the passing of this lovable and distinguished gentleman his State and community has suffered the loss of a beautiful and shining character, a faithful public servant, and a true, honorable, and loyal citizen and friend; now, therefore, be it

Resolved, That the Senate of Texas, the House of Representatives concurring, acknowledge with deep regret the passing of this fine gentleman and citizen of Texas, and that a copy of this resolution be spread upon the memorial pages of the Senate and House of Representatives of the day, as a token of the love and esteem in which was held this lovable and fine man; and be it further

Resolved, That the Secretary of the Senate, and the Chief Clerk of the House of Representatives send the family of deceased a copy of this resolution under their respective seals, and that when the Senate and House of Representatives adjourn today, they do so in silent tribute to a man whose name shall live long in the affection of his friends and sorrowing family.

LOVELADY.

Signed.—Aikin, Beck, Brownlee, Chadick, Cotten, Fain, Formby, Graves, Hazlewood, Hill, Isbell, Kelley, Lanning, Lemens, Lovelady, Martin, Mauritz, Metcalfe, Moffett, Moore, Ramsey, Shivers, Smith, Spears, Stone, Sulak, Van Zandt, Vick, Weinert, Winfield and York.

The resolution was read.

On motion of Senator Cotten, the names of all Members of the Senate were added to the resolution as signers thereof.

The resolution then was adopted unanimously.